IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTIETH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 21954 of 2004

Between:

1 Kalava Gunta Gangadhar Rao, S/o Subbarao,
R/o Eluru Road, Sathupalli, Khammam District.
2 Suri Setti Papa Rao, s/o Venkateswar Rao,
R/o Eluru Road, Sathupalli, Khammam District.

..... PETITIONERS

AND

1 The District Collector, Khammam District, Khammam.
2 The Mandal Revenue Officer, Sathupally Mandal, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more one in the nature of Writ of Mandamus, to declare the illegal acts of the respondents by evicting the petitioners from their respective lands in Sy.No. 76 of Sathupalli village and Mandal, Khammam district in an extent of 3 guntas each by demolishing the petitioners structures and damaging the standing crop without issuing any notice or initiating any proceeding and without following due process of law as illegal, arbitrary and against the principles of natural justice

Counsel for the Petitioner:MR.KILARUKHADER BABA

Counsel for the Respondents.: GP FOR REVENUE

The Court at the admission stage made the following :

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THE HONOURABLE SRI JUSTICE N.V.RAMANA

W.P.No.21954 of 2004

ORDER:

Petitioners invoked the extraordinary jurisdiction of this Court under Article 226 of Constitution of India for issuance of a writ of Mandamus to declare the action of the respondents in attempting to evict them from their respective lands in Sy.No.76 of Sathupalli Village and Mandal, Khammam district, in an extent of 3 guntas each without following due process of law as illegal and arbitrary and consequently direct the respondents not to dispossess the petitioners from their respective lands.

Heard the learned Counsel for the petitioners and the learned Government Pleaser for Revenue appearing on behalf of the respondents and both of them agreed for disposal of the writ petition at the stage of admission.

Petitioners claim to have occupied Government land in Sy.No. about 12 years back and they have also raised residential houses in the said land. The only grievance of the petitioners is that even though they made applications dated 24.11.2004 to the 1st respondent for regularization of their occupation over Government land in Sy.No.76 of Sathupalli village, Khammam District, no action had been taken on the applications as yet.

The petitioners filed the applications before the 1st respondent on 24.11.2004. Even before the applications filed by the petitioners were considered by the 1st respondent, they approached this Court by way of the present writ petition on 27.11.2004. If the 1st respondent has kept the matter pending for a long time, then the petitioners would have been justified in invoking the jurisdiction of this Court. Therefore, the writ petition is misconceived and the same is liable to be dismissed.

The writ petition is accordingly dismissed. No costs.

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N.V.RAMANA, J

30TH NOVEMBER, 2004

gsn.

To

1 The District Collector, Khammam District, Khammam.
2 The Mandal Revenue Officer, Sathupally Mandal, Khammam District.

3 2 Ccs to the G.P. for Revenue, High Court of A.P., Hyderabad(OUT)

4 2 CD copies.